IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

OP.No. 5288 of 2003(D)

PETITIONER:

SUNIL K.MANOHAR, AGED 26 YEARS,
S/O. MANOHARAN, KARYATHARA HOUSE,
POONITHURA P.O., ERNAKULAM.

BY ADV. SMT.DAISY THAMPI

RESPONDENTS:
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1. THE DEPUTY TRANSPORT COMMISSIONER,
CENTRAL ZONE-II, ERNAKULAM.

2. THE REGIONAL TRANSPORT OFFICER,
ERNAKULAM.

BY GOVERNMENT PLEADER SRI. C.K. GOVINDAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 09/03/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO. 9318 OF 2003 AND I.A. 9960 OF 2003 IN OP 5288 OF 2003

DISMISSED

9.3.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF RELEVANT EXTRACT OF THE REGISTRATION CERTIFICATE

EXT.P2 TRUE COPY OF REPRESENTATION DATED 30.3.2002

EXT.P3 TRUE COPY OF THE RELEVANT EXTRACT OF THE REGISTRATION CERTIFICATE

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

O.P. NO. 5288 OF 2003

Dated this the 9th day of March, 2007

JUDGMENT

Petitioner's case is that inspite of filing G form exemption was not granted and refund given. According to petitioner, vehicles are contract carriages in respect of which tax was paid in advance. Government Pleader reported that refund was ordered for the tax paid in respect of one vehicle for June, 2001 and no other document is available in the files. If G forms were furnished by remittance of fees in time, then it would have been enquired into and report of the Motor Vehicle Inspector will be available on file. O.P. is therefore disposed of directing the second respondent to verify the files and if G forms were filed in time, grant exemption to the petitioner and refund the tax paid by the petitioner. So far as refund already ordered is concerned, there will be direction to the second respondent to adjust the refund towards tax due for later period or otherwise if tax is paid then grant refund within three weeks from the date of production of a copy of this judgment by the petitioner.

(C.N.RAMACHANDRAN NAIR)
Judge